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October 24, 2024

VIA ECF

Honorable Pamela K. Chen, United States District Judge
United States District Court for the Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: *United States v. McMahon, et al.*
Docket No. 21-cr-265

Dear Judge Chen,

As Your Honor is aware, this Firm represents Defendant Michael McMahon in the above-captioned matter. I write to respectfully join in Defendant Zhu Yong's request to adjourn the sentencings in this matter, *see* ECF No. 312, as well as to request a 14-day extension by which to submit objections to the draft Presentence Investigation Report ("PSR"), which Mr. McMahon received on Thursday, October 17, 2024.

The PSR prepared by the United States Probation Office in this matter is lengthy, consisting of 48-pages and 228 paragraphs; as well, it raises very complex issues with respect to the applicable Sentencing Guidelines (if any) and their application, particularly in the context of the Probation Office's startling (and unexpected) sentencing recommendation. For these reasons, although all parties look forward to bringing this matter to an end, additional time is required in order to fully address the draft PSR, and accordingly, we most respectfully request a 14-day extension to respond to the PSR, so that our objections, which will be extensive, may be filed on November 14, 2024 rather than October 31, 2024.

Likewise, although it is theoretically possible that the PSR might change following our objections, assuming it does not, given the complexity of the United States Probation Office's sentencing calculation with respect to Mr. McMahon, and the stakes for him as a result, substantial briefing will be required in advance of or in connection with sentencing. Mr. McMahon has begun work on a very substantial sentencing memorandum (but obviously cannot conclude that work until a final PSR is generated), including many letters of support that have already been gathered but are still coming in; it would be extremely difficult, if not impossible, to provide such a document sufficient in advance of the currently scheduled date of November 20, 2024 to fully present Mr. McMahon's case to the Court. Accordingly, Mr. McMahon respectfully requests that his sentencing, like that of his co-defendant, be adjourned until mid-January of 2025 (hopefully, prior to January 21, 2025, on which date I am scheduled to begin a trial in the United States District Court for the District of New Jersey).

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If this schedule meets with Your Honor's approval, we would request that the Court So Order the relief sought in the space provided and file it on the Docket at Your Honor's convenience. Of course, if the Court has any questions or concerns, please do not hesitate to contact me. We thank Your Honor for your kind consideration of this request.

Respectfully submitted,

s/ Lawrence S. Lustberg
Lawrence S. Lustberg

SO ORDERED:

This ____ day of October, 2024

Honorable Pamela K. Chen
United States District Judge

cc: All counsel of record (via ECF)